

**ENTERED**

February 21, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DAVID GRAYSON

Plaintiff.

VS.

DSM NUTRITIONAL PRODUCTS,  
LLC

Defendants.

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CIVIL ACTION NO. 3:18-CV-00061

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

Pending before the Court is the Memorandum and Recommendation of United States Magistrate Judge Andrew M. Edison issued on February 5, 2019. Dkt. 25. Pending before Judge Edison was Plaintiff's Motion for Leave to Amend Complaint and to Remand Action ("Motion for Leave to Amend"). Dkt. 18. The Motion for Leave to Amend to was referred to Judge Edison pursuant to 28 U.S.C. § 636(b)(1). Dkt. 23.

On February 19, 2019, Defendant filed Defendant's Objection to Memorandum and Recommendation on Pleading Amendment and Remand (Dkt. 26). In accordance with 28 U.S.C. § 636(b)(1), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that

- (1) Judge Edison's Memorandum and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiffs' Motion for Leave to Amend (Dkt. 18) is **GRANTED**;
- (3) This action, originally numbered 94874-CV by the Brazoria County District Clerk, is **REMANDED** back to the 149th District Court of Brazoria County, Texas, effective immediately; and
- (4) A certified copy of this order will be mailed by the Clerk of this court to the Clerk of the 149th District Court of Brazoria County, Texas entitling that Court to proceed with the action according to the laws of the State of Texas.

It is so **ORDERED**.

SIGNED and ENTERED this 21<sup>st</sup> day of February, 2019.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE